

Decision No. 25812.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of the People of the State of California on relation of the Department of Public Works, for an order authorizing the construction of a crossing at separated grades of the State highway and the Southern Pacific Railroad at a point approximately one and one-half miles east of El Monte, in Los Angeles County.

**ORIGINAL**

Application No. 18393.

Frank B. Durkee, for Department of Public Works,  
State of California, Applicant.

E. W. Hobbs, for Southern Pacific Company.

John R. Berryman, for Automobile Club of  
Southern California.

BY THE COMMISSION:

O P I N I O N

In the above entitled proceeding, the Department of Public Works of the State of California seeks an order authorizing the construction of a grade separation with the Southern Pacific Company's track at a point approximately one and one-half miles east of El Monte, in Los Angeles County, and the apportionment of cost of such an improvement between applicant and Southern Pacific Company.

Public hearings were conducted in this matter before Examiner Hunter in Los Angeles on February 8th and March 21st, 1933.

The proposed grade separation is part of State Highway Route No. 26, sections of which are now under construction.

Applicant introduced testimony in support of the following allegations in its application:

That said Route 26 (on which said proposed crossing at separated grades is located) is a major trunk route of the State highway system, extending from the City of Los Angeles easterly and connecting in the vicinity of Colton and San Bernardino with interstate highway routes to the north, east, and south; that said proposed crossing at separated grades is on the Garvey Avenue-Holt Avenue extension of said Route 26, which extension will provide a more direct traffic artery from the City of Los Angeles easterly than any existing public highway; that said highway is being constructed on high standards of alignment and grade throughout the entire length thereof, with traffic hazards and dangers removed therefrom as far as possible or practicable; that travel on said State Highway Route 26 will be heavy and will consist, in considerable portion, of inter-county and interstate traffic which will be attracted to said highway from the so-called Valley Boulevard, via Puente, and the existing State highway between Los Angeles and points to the east, northerly of said Route 26, known as the Foothill Boulevard; that such shifting of traffic will lessen the traffic now passing over existing crossings at grade of public highways and said railroad in the vicinity of said proposed grade separation; that it will be more economical to construct the proposed crossing at separated grades at the present time rather than in the future because of the fact that construction costs are now at a low level and if a grade crossing is constructed first, to be replaced with a separation at a later date, it will result in a considerable loss of improvements which are necessary for a grade crossing but do not fit in with a grade separation.

The ultimate plan for Route 26 provides for a 100-foot right of way between Los Angeles and Pomona; this width has already been acquired for a considerable portion of the distance. Route 26

is being paved to a width of 30 feet with 10-foot shoulders, and in certain sections, where parking is permitted, the paving width is increased to 60 feet.

It is estimated that the traffic on this new highway, in the vicinity of the proposed separation, will approximate 10,000 vehicles per day. A considerable portion of this traffic will be diverted from that which now flows along Valley Boulevard, with a lesser amount from Foothill Boulevard and El Monte Avenue. The distance between El Monte and Pomona, via Route 26, will be 3 miles shorter than via Valley Boulevard. The grades on Valley Boulevard, however, are lighter than those proposed for Route 26 and, therefore, it is probable that heavy loaded vehicles will continue to follow the old route notwithstanding the fact that it is slightly longer.

The railroad involved is Southern Pacific Company's main line east via Yuma. The present rail traffic over this route consists of some ten passenger and ten freight trains per day. The track is tangent at this point and consists of a single main line. The record shows that the Railroad has no plan for constructing additional tracks in the vicinity of the proposed crossing, and takes the position that the expense of providing for more than one track is not now justified to meet present or reasonably anticipated future needs.

The following tabulation shows the various estimates presented to cover the cost of constructing different types of separation at this location, all underpasses providing for a single track at an elevation three feet above present grade, and refer to costs within the limits of the approaches:

Exhibit Number	Type of Structure	Total Cost	Cost to Grade King	Chargeable to Separation
Applicant's Exhibit 29	Underpass - 64' drive-way; two 4' sidewalks; 4% grades; 800 ft. sight distance; total length 2400 feet.	\$117,875.	\$60,317.	\$57,558.
"	Underpass - 44' drive-way; two 4' sidewalks; 4% grades; 800 ft. sight distance; total length 2400 feet.	\$ 94,165.	\$46,014.	\$48,151.
Applicant's Exhibit 30	Overhead - 44' drive-way; two 4' sidewalks; 4% grades; 800 ft. sight distance; total length 2400 feet.	\$168,517.	\$46,014.	\$122,503.
So.Pac.Co's Exhibit 50	Underpass - 34' drive-way; two 4' sidewalks; 5% grades; 600 ft. sight distance; total length 1160 feet.	\$ 47,155.	\$ 4,895.	\$ 42,260.
So.Pac.Co's Exhibit 51	Overhead - 34' drive-way; two 4' sidewalks; 5% grades; 400 ft. sight distance; total length 1848 feet.	\$ 67,670.	\$ 7,039.	\$ 60,631.

Southern Pacific Company is not opposed to the construction of the separation involved herein and is willing to grant applicant the right to cross its property. It does, however, take the position that it should not be assessed any cost of the construction of this separation over and above an amount equal to the direct benefits to be derived therefrom. It is the railroad's contention that the only benefit that will accrue to it from this improvement obtains from the closing of an unimportant county road, known as Moxson Road, as no other existing grade crossings are to be closed in connection with the opening of the proposed separation. The railroad's Exhibit No. 49 shows that with the closing of the Moxson grade crossing, it will be relieved of an annual maintenance expense

of \$21. This estimate, however, does not include any allowance for accidents or automatic protection. The crossing is now protected only with fixed signs and the record shows that during the past seven years there have been no grade crossing accidents at this location. Exhibit No. 28 shows the action taken by the Board of Supervisors of Los Angeles County at its meeting on February 8, 1933, agreeing to the closing of said Moxson Road crossing over the railroad upon the opening of the proposed separation. On the other hand, the railroad contends that this saving in expense is more than offset by the expense imposed upon it in maintaining the newly constructed grade crossing of Route 26 over the company's Covina Branch, located at a point some two miles east of the proposed separation, the annual maintenance cost of which is estimated to be \$264, which includes an allowance for automatic protection but no allowance for accidents. This grade crossing was authorized by the Commission in its Decision No. 25125, dated August 29, 1932, in Application No. 18225.

While it is true that the proposed separation does not permit of the closing of any important existing grade crossings, it is apparent that Route 26 will attract a large volume of traffic from other major east and west highways, particularly Valley Boulevard. Through the construction of the proposed underpass, this traffic will be afforded a crossing with the main line railroad at separated grades instead of one or more grade crossings between El Monte and Pomona. On the other hand, Southern Pacific Company points out that to the east of Pomona a considerable portion of the traffic on Route 26, which might be referred to as that other than through traffic to Colton, San Bernardino and points beyond, will in many cases be required to cross railroad tracks in order to reach this highway as, generally speaking, it is located between main line railroads. To the south we find the tracks of Southern Pacific and Union Pacific, and to the north the Santa Fe and Pacific Electric.

It is apparent that the decrease in grade crossing travel

will greatly exceed the increase as a result of the opening of the proposed separation. This is particularly true of grade crossings over Southern Pacific Company's main line tracks and, therefore, the company should enjoy some benefit from this diversion in the way of reduced grade crossing accidents. It must be admitted, however, that the grade crossings over Southern Pacific Company's main line, from which traffic will be detracted by this separation, will continue to be important crossings and this improvement will not permit of a reduction in operating expenses in the way of maintaining protection of the crossing. The company contends that it is now facing probable separations at one or more of these grade crossings. In this connection it should be pointed out that the proposed separation may have an effect upon delaying the time when such improvements will be effected.

The record shows that the desirable method of effecting a crossing of the railroad with this important highway artery is by means of an underpass rather than an overhead or a grade crossing. A separation having a driveway width of 44 feet would provide ample carrying capacity to meet the present estimated traffic needs, with some excess capacity to provide for future growth. In fact, the Department of Public Works now has under construction along this same highway a bridge over the San Gabriel River, located less than one mile to the east of the proposed separation, which provides for a driveway having a width of 44 feet. Applicant has indicated that in view of the fact that a separation having a driveway width of 64 feet can be constructed at this time with little added cost over and above the cost of a 44-foot separation it desires to build the larger structure, as traffic on this highway will doubtless continue to increase to a point where the larger separation will some day be required and when that time comes it would cost a considerable

sum to enlarge the separation if the smaller one was constructed at this time. In view of applicant's position in this matter the Commission will allow it to select the width of subway it proposes to build but will take into consideration, for purposes of apportionment, the type of separation that seems to meet present and reasonable future traffic needs which is one having a driveway width of 44 feet. As for the change in the elevation of the present track in connection with the construction of the proposed separation, there is some question whether this raise should be three or five feet. It appears that a three-foot lift permits of the most economical plan of separation, without regard for ground water. This feature, however, is an important element and if after further study applicant elects to construct a separation which requires a raise in the track of not to exceed five feet, it will have the Commission's approval to do so.

After carefully considering the record in this proceeding it is concluded that the application should be granted in accordance with the foregoing and that the apportionment of the expense between applicant and Southern Pacific Company should be based upon a separation having a driveway width of 44 feet, to the effect that Southern Pacific Company should pay \$6,000, or approximately 12% of such a separation, and applicant the remainder.

#### O R D E R

A public hearing having been held and the matter having been submitted,

IT IS HEREBY ORDERED that the People of the State of California, on relation of the Department of Public Works, are hereby authorized to construct a state highway, known as Route No. 26, at

separated grades under the main line track of Southern Pacific Company at a point approximately one and one-half ( $1\frac{1}{2}$ ) miles east of El Monte, County of Los Angeles, California, at the location as shown by the map (Exhibit "1") attached to the application, subject, however, to the following conditions:

- (1) The above grade separation shall be identified as Crossing No. B-496.2-B.
- (2) Southern Pacific Company shall contribute Six Thousand (6,000) Dollars towards the cost of constructing said grade separation. The entire remaining cost of construction shall be borne by applicant.
- (3) Applicant shall, before commencing the construction of the grade separation authorized herein, file with the Commission, subject to its approval:
  - (a) A certified copy of an agreement between applicant and Southern Pacific Company covering the terms of construction and maintenance of said grade separation.
  - (b) A set of plans for said grade separation which shall have been approved by Southern Pacific Company, or a statement showing why such approval has not been obtained.
- (4) Said grade separation shall be constructed with clearances conforming to the provisions of our General Order No. 26-C.
- (5) Upon the completion of the grade separation herein authorized and upon its being opened to public use and travel, the existing grade crossing of Moxson Road (Crossing No. B-496.3), located approximately two hundred and seventy-five (275) feet southeast of the separation herein authorized, shall be legally abandoned and effectively closed to public use and travel.
- (6) Applicant shall, within thirty (30) days thereafter, notify this Commission, in writing, of the completion of the installation of said grade separation and of its compliance with the conditions hereof.



- (7) The authorization herein granted shall lapse and become void if not exercised within one (1) year from the date hereof, unless further time is granted by subsequent order.

The authority herein granted shall become effective on the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of April, 1933.

CC Leary  
Leon Whitely  
W. J. Lee  
W. B. Harris  
William W. ...